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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,385	05/15/2001	Jheroen P. Dorenbosch	PF02177NA	8937

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MOTOROLA INC  
5401 NORTH BEACH STREET  
MAILSTOP E230  
FORT WORTH, TX 76137

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/855,385

Applicant(s)

DORENBOSCH ET AL.

Examiner

Naghmeh Mehrpour

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8-12, 14, 15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-12, 14-15, 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 8-12, 14-15, 17, 19-20**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al. (US Patent Number 6,301,609 B1) in view of Nakano (US Publication 2002/0147988 A1).

Regarding **claims 8-9, 17, 19-20**, Aravamudan inherently teaches a method of a service providers client access to one or more plurality of client premises equipments (CPE) 140, the CPE can be a wireless phone, service provider can be PSTN. Communications and data can be exchange between the CPE and PSTN via switch module 124 or routing module 122 (see figure 1). An Instant Messaging system is utilized to provide new and useful features and services for clients (col 4 lines 54-64). A communication service platform (CSP) is registered with the IM server as a "buddy" to the subscriber client. The location of subscribers CPE is located by the CPS 160, the CPS initiates communications to the subscribing client via instant messages, and the CPS solicits a response from the subscribers CPE (col 5 line 15-31, col 10 lines 11-30).

Aravamudan fails to teach that notifying the mobile subscriber **that instant message are available for download from the message buffer when the mobile subscriber has multiple messages stored in the message buffer;**

queuing instant messages intended for the mobile subscriber while the mobile subscriber is not registered with the instant message system; and

facilitating connection of the mobile subscriber to the instant message system to enable the mobile subscriber to retrieve the queued instant messages. However Nakano teaches notifying the user **that instant message are available for download from the message buffer when the user (0017) has multiple messages stored in the message buffer** (0055, 0056, 0060);

queuing instant messages intended for the user while the user is not registered with the instant message system (0020, 0055), and

facilitating connection of the user to the instant message system to enable the mobile subscriber to retrieve the queued instant messages (0055, 0056, 0060).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Nakano method with Aravamudan, in order to establish connection between Mobile unit and Instant Messaging service while avoiding excess queuing message for IM.

Regarding **claims 10-12, 14-15**, Aravamudan does not specifically mention that notifying the mobile subscriber when queued instant message parameters reach a predetermined limit comprises notifying the mobile subscriber when a predetermined

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number of buddies send messages intended for the mobile subscriber within a predetermined amount of time. However Nakano teaches the notifying the mobile subscriber when queued instant message parameters reach a predetermined limit (0055, 0056, 0060) comprises notifying the mobile subscriber when a predetermined number of buddies send messages intended for the mobile subscriber within a predetermined amount of time (col 10 lines 42-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Nakano teaching to Aravamudan, in order to improve the performance by better bandwidth utilization.

Regarding **claim 16**, Aravamudan fails to teach a method wherein the predetermined limit in the notifying the mobile when queued instant message parameters reach a predetermined limit is based at least in part on mobile subscriber-based instructions. However Nakano teaches the notifying the mobile subscriber when queued instant message parameters reach a predetermined limit (0055, 0056, 0060) comprises notifying the mobile subscriber when a predetermined number of buddies send messages intended for the mobile subscriber within a predetermined amount of time (0055, 0056, 0060). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Nakano teaching to Aravamudan, in order to improve the performance by better bandwidth utilization.

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3. **Claim 18**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al. (US Patent Number 6,301,609 B1) in view of Nakano (US Publication 2002/0147988 A1) in further view of Us Patent 6,091,710).

Regarding **claim 18**, Aravamudan modified by Nakano fails to teach a method further comprising downloading the queued instant messages intended for the mobile subscriber when one of a high priority instant message is received and the mobile subscriber sends an outgoing message. However Mawhinney teaches a method comprising: downloading the queued instant messages intended for the mobile subscriber when one of a high priority instant message is received and the mobile subscriber sends an outgoing message (col 2 lines 25-36, col 10 lines 42-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Mawhinney with Aravamudan modified by Nakano, in order to achieve better bandwidth utilization, and provide better feasibility for the system.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 8-12, 14-15, 17-20, have been considered but are moot in view of the new ground(s) of rejection.

#### **Conclusion**

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**6. Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro be reached (571) 272-7876.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

July 04, 2006



MELODY HEFSON  
PATENT EXAMINER